

Application number: 09/827788

Art Unit: 3625

Applicant: Khai Hee Kwan

Examiner: Naeem Haq

Title: Computer Network Method for conducting payment over a network by debiting and crediting telecommunication accounts.

In the specification

Please delete the word “owned” at page 17 line 7 and insert the word “owed” as per the paragraph below.

For a payer having an accrual account, in reality there is no actual "deduction" taking place since this are actually book entries into the sub account. The amount ~~owned~~ owed is accrued as like a real telecommunication charge but maintained separately in a sub account. To explain, this is similar to a provisional account (for bad debts) in accounting terminology where provisions are made 'ready' to be deducted on realisation. For a prepaid account the debit in the sub account is realised straightaway.

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Remarks in the specifications.

35 USC 132 (a) – New Matter Rejection

The examiner asserted at page 2 that the following from claims 33,40,53 are NEW matter as follows:

payment processor receiving at least the payer's account identifier, the transfer amount, the payee's account identifier upon initiation of a transaction over a first network from payer;

payment processor transmitting said payer's account identifier, password and said amount to payer's telecommunication carrier provider for authentication;

payment processor transmitting said payee's account identifier to payee's telecommunication carrier provider for authentication;

whereby said payment processor is a single point of contact to process transactions between payer and payee....

...without said providers communicating with each other over said networks.

In Claims 34,41 and 54,

.....transaction is made without payer interacting with payee.

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Where a 35 USC 132(a) is alleged, the examiner has the burden of showing the elements are new matter in the specification's disclosure. No prima facie has been shown by the examiner to show these are New Matters. Even if these are new matters, the applicant submits that because these are elements in a CLAIM, a 35 USC 132(a) is not appropriate. (See *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323, 326 (CCPA 1981)). In light these "New Matter" are similarly rejected under 35 USC 112 Para 1 as part of the Claims, the applicant respectfully submits the following rebuttal as per Section titled "Remarks in the claims" below.